

1
2
3
4
5
6
7
IN RE SUBPOENA FACETEC, INC.
SUBPOENA TO JUMIO CORPORATION
IN THE MATTER:

8
9
10
11
12
13
14
FACETEC, INC.,
Plaintiff,
v.
IPROOV LTD.,
Defendant.

Case No. [23-mc-80263-VKD](#)

**INTERIM ORDER RE MOTION TO
QUASH SUBPOENA**

Re: Dkt. No. 1

15 Non-party Jumio Corporation (“Jumio”) moves to quash and/or for a protective order
16 regarding a subpoena for the production of documents served by FaceTec, Inc. (“FaceTec”). Dkt.
17 No. 1. The subpoena seeks discovery in connection with the matter *FaceTec, Inc. v. iProov Ltd.*,
18 No. 2:21-cv-02252-RFB-BNW in the District of Nevada. In that action, FaceTec asserts claims
19 against iProov Ltd. (“iProov”) for patent infringement, breach of contract, and intentional
20 interference with contractual relations *See* Dkt. No. 1-2. Jumio is a customer of iProov, and its
21 principal argument in support of the motion to quash is that much, if not all, of the documents
22 FaceTec seeks from Jumio could be obtained from iProov. Dkt. No. 1 at 3, 5-8. FaceTec opposes
23 Jumio’s motion. Dkt. No. 5. Among other things, FaceTec argues that it has already sought from
24 iProov the documents it seeks from Jumio, but that iProov has refused to produce this information.
Id. at 7-8.

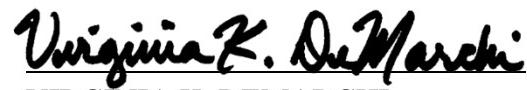
25
26 On November 21, 2023, the Court held a hearing on the motion. Dkt. No. 10. Based on
27 the discussion at the hearing, it appears that at least some of the matters raised in support of and in
28 opposition to Jumio’s motion—specifically, relevance and proportionality—are the subject of a

1 motion to compel filed by FaceTec for discovery from iProov, the defendant, in the District of
2 Nevada, and the parties are presently briefing that dispute. *See id.* The discussion at the hearing
3 also revealed that counsel for Jumio and FaceTec did not confer sufficiently about the scope of
4 FaceTec's subpoena to Jumio in advance of Jumio's motion to quash. *Id.*

5 Accordingly, the Court orders the parties to confer regarding this dispute and to report
6 back to the Court no later than **January 15, 2024** regarding (1) the status of this dispute, (2) the
7 status of the motion to compel pending before the District of Nevada, and (3) what if any matters
8 remain to be decided with respect to Jumio's motion. The Court defers ruling on Jumio's motion
9 at this time.

10 **IT IS SO ORDERED.**

11 Dated: November 27, 2023

12 
13 VIRGINIA K. DEMARCHI
14 United States Magistrate Judge

United States District Court
Northern District of California